## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hervé RICHARD

Application No.: 10/829,440

Filed: April 22, 2004

For: PHOTOPROTECTIVE COSMETIC

COMPOSITIONS COMPRISING PARA-

AMINOBENZALMALONATE-SUBSTITUTED s-TRIAZINE

**COMPOUNDS** 

Group Art Unit: 1624

Examiner: VENKATARAMAN

BALASUBRAMANIAN

Confirmation No.: 6323

## SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Applicant requests the Examiner's consideration of the documents listed on the accompanying form PTO-1449 and of the accompanying Search Report for the French Priority application, which is provided together with an English translation of the Search Report.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

The following remarks are offered regarding the documents which are not in English.

EP 0 790 243 A1 is in French. Its U. S. counterparts, Richard et al. U.S.P.s 5,928,630 and 5,849,909, are cited to serve as an English translation. The French Search Report, an English translation of which is also appended, serves as a brief statement of relevance and cites in particular Example 2 and the claims. Example 2 of each of the U. S. patents corresponds to Example 2 of EP 0 790 243 A1. Claim 1 of the '909 patent is directed to a compound as defined in Claim 1 of EP 0 790 243 A1; other compound claims are found in the '909 patent while the composition and use/method of use claims are located in the '630 patent.

Buchanan Ingersoll PC

(8/05)

SECOND Information Disclosure Statement
Application No. 10/829,440
Attorney's Docket No. 016800-632
Page 2

EP 0 507 691 A1 is in French. Its U. S. counterpart, Richard U.S.P. 5,236,698, is cited to serve as a French translation. The French Search Report, an English translation which is also appended, serves as a brief statement of relevance and cites in particular Example 1 and the claims. Example 1 of the U. S. patent corresponds to Example 1 of EP 0 507 691 A1. Claim 1 of the '698 patent corresponds to Claim 1 of the European document. Other compound and compositions claims of the European patent document correspond to dependent claims in the U. S. patent.

This Statement and its enclosures are being submitted together with a response to a restriction requirement, prior to issuance of the first Office Action on the merits. Since these documents are being filed within the time period set forth in 37 C.F.R. §1.97(b), no fee or statement is required.

It is respectfully requested that the Examiner consider this statement and its enclosures and that an Examiner-initialed copy of the accompanying Form PTO-1449 be returned to the undersigned with the next official communication.

Respectfully submitted,

**BUCHANAN INGERSOLL PC** 

Date <u>October 28, 2005</u>

Mary Katherine Baumeister Registration No. 26,254

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620

## SUBSTITUTE for form 1/449A/PTO 8 1449B/PTO SECOND 0 CT 2 8 2005 INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

Sheet

Complete if Known				
Application Number 10/829,440				
Filing Date April 22, 2004				
First Named Inventor	Hervé RICHARD			
Examiner Name	V. BALASUBRAMANIAN			
Attorney Docket Number	016800-632			

U.S. PATENT DOCUMENTS					
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)	
	5,236,698	Α	Richard et al.	08-17-1993	
	5,849,909	Α	Richard et al.	12-15-1998	
	5,928,630	A	Richard et al.	07-27-1999	

FOREIGN PATENT DOCUMENTS											
					STATUS						
Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	0 790 243	A1	EP	08-20-1997	Х			X			
	0 507 691	A1	EP	10-07-1992	Х			Х			
											ļ
						<u> </u>		<u> </u>			
		-				ļ · · · · · ·		l			<del> </del>
						<u> </u>		ļ			<u> </u>
						1	l			_	

NON-PATENT LITERATURE DOCUMENTS						
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
· · ·						

Examiner	 Date	
Signature	 Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.